

TEMPORARY

No. 71186-T

TEMPORARY
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 07 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 07 2004

The applicant **Randall Soule**, hereby makes application for permission to change the point of diversion and place of use of a portion of water heretofore appropriated under Claim Nos. 719 of the Truckee River (aka Orr Ditch Decree) Decree, said Decree entered by the District Court of the United States in and for the District of Nevada in that certain action entitled "the United States of America, Plaintiff, vs. Orr Water Ditch Company, Defendants" in Equity Docket No. A-3

1. The source of water is **Thomas Creek**
2. The amount of water to be changed **5.00 ac.ft./prorata share of the diversion rate**
3. The water to be used for **As Decreed Purposes**
4. The water heretofore permitted for **As Decreed Purposes**
5. The water is to be diverted at the following point w/in NW¼ NE¼ Section 24 T18N, R19E, MDM ~~at~~ **at a point from which the S¼ of said Section 24 bears S 01 degree 53 minutes 03 seconds W, a distance of 4,498.29 feet.**
6. The existing permitted point of diversion is located within **as Decreed-w/in SE¼ SW¼ Section 7 T18N, R20E, MDM**
7. Proposed place of use **1.333 acres w/in a portion of the NW¼ NE¼ Section 24 T18N, R19E, MDM also know as a portion of APN 049-165-04 in Washoe County, Nevada**
8. Existing place of use **1.333 acres w/in SW¼ NW¼ Section 8 T18N, R20E, MDM further defined as a portion of DWR 22-290-30 lying east of South Virginia Street, south of the dry area defined as a portion of DWR 22-010-01, north of the existing place of use stripped by Permit No. 62489 and further defined as the westerly most 1.333 water righted acre portion of DWR 22-290-30 as per DWR Drawing No. TR-029**
9. Use will be from **As Decreed to As Decreed.**
10. Use was permitted from **As Decreed to As Decreed.**
11. Description of proposed works **Water will be pumped from Thomas Creek and piped to place of use**
12. Estimated cost of works **\$5,000.00**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks:

By **s/Michael D. Buschelmen**
Michael D. Buschelmen
Post Office Box 51371
Sparks, Nevada 89435

Compared ag/d T ag/sam
Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of Thomas Creek as heretofore granted under Claim 719, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **August 29, 2005** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.033 cubic feet per second, **but not to exceed 5.00 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

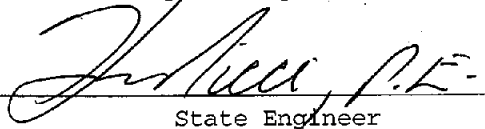
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IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 30th day of August, A.D. 2004


State Engineer